UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/49/7/Add.2
15 December 1994

ORIGINAL: ENGLISH

Forty-ninth session
Agenda item 107

PROGRAMME BUDGET FOR THE BIENNIUM 1994-1995

Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala

Third report of the Advisory Committee on Administrative and Budgetary Questions

I. INTRODUCTION

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General contained in document A/C.5/49/29. The report seeks an appropriation of $12,725,100 under section 4 of the programme budget for the biennium 1994-1995 for the Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) for the period from 1 October 1994 to 31 March 1995. During the course of its consideration of the report, the Committee met with representatives of the Secretary-General, who provided additional information to the Committee.

2. The Committee notes that the General Assembly, having considered the Secretary-General's report of 18 August 1994 (A/48/985), decided in paragraph 2 of its resolution 48/267 of 19 September 1994 "to establish a Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala in accordance with the recommendations contained in the report of the Secretary-General, for an initial period of six months". By the same resolution, in paragraph 7, the General Assembly requested the Secretary-General "to conclude a status-of-mission agreement with the Government of Guatemala, to come into force no later than 30 days after the adoption of the present resolution."

3. The Committee was informed that letters comprising a status-of-mission agreement for MINUGUA have been exchanged between the Secretary-General and the

Government of Guatemala as called for by resolution 48/267. Furthermore, it was indicated that, in accordance with the national legislative structure, the Government is now obliged to submit the status-of-mission agreement to the Guatemalan Congress in order to obtain approval of those aspects of the agreement which are not specifically reflected in the Guatemalan Constitution. The Government is committed to obtain congressional approval as soon as possible. The matter is being followed closely by the Office of Legal Affairs of the Secretariat and by MINUGUA's Legal Adviser.

4. The Secretary-General's report is submitted pursuant to the report of the Fifth Committee of 19 September 1994 (A/48/992) on programme budget implications of draft resolution A/48/L.63/Rev.2. In its report, the Fifth Committee informed the General Assembly that, should it adopt draft resolution A/48/L.63/Rev.2, the Secretary-General would be authorized to enter into commitments in an initial amount of $7.5 million under section 4 of the programme budget for 1994-1995. The question of the final level of the authorization for the mandate period would be determined in the light of the subsequent review of revised budget proposals for MINUGUA. The Committee also notes that the Fifth Committee, in its report on programme budget implications of draft resolution A/48/L.63/Rev.2, requested the Secretary-General "to seek ways and means to reduce the cost of the Mission, by reviewing every item of the proposal, including staffing and related costs, without hindering the full implementation of its mandate."

5. The Committee recalls that, in its previous report on this proposal of the Secretary-General (A/48/7/Add.17, para. 5), the Committee trusted that "the estimates will be refined and will be specifically related to a detailed and more specific plan of operations". In the view of the Committee, the report of the Secretary-General is inadequate in this respect. The Committee notes that, notwithstanding the multidisciplinary nature of the Mission, the report should have explained the "conversion" of the political mandate of the Mission into a detailed operational plan, taking into account Mission-specific information such as the political situation, government infrastructure and support and the interrelationship among the proposed budget components (i.e., military personnel, civilian police, United Nations and other civilian personnel, education, information and communication, premises, vehicles and air transport and communication and other equipment).

II. COORDINATION WITH OTHER AGENCIES OF THE UNITED NATIONS SYSTEM

6. The Committee notes again the absence in the Secretary-General's report of a comprehensive description of the involvement of the existing human rights entities within the United Nations (in particular the Office of the High Commissioner for Human Rights and the Centre for Human Rights) in this Mission. In this connection, upon inquiry, the Committee was informed that it is the intention of the Secretary-General to approach the Guatemalan conflict in an integrated fashion, with the cooperation of other parts of the United Nations system. The Committee was further informed that there have been extensive consultations during the preliminary mission with the United Nations Development Programme (UNDP), the Office of the United Nations High Commissioner for

Refugees (UNHCR) and the Development Programme for Displaced Persons, Refugees and Returnees (PRODERE) on location of MINUGUA's regional offices, staffing and logistic requirements, as well as with the Food and Agriculture Organization of the United Nations (FAO) and the International Labour Organization (ILO) on technical cooperation matters. With regard to the Centre for Human Rights, the Centre staff has played an important role in advising the Mission on matters of substance, including training and legal issues. Concerning actual implementation of the Mission in the field, the Advisory Committee was informed that the Centre for Human Rights has limited capacity in this regard. However, there has been full cooperation on matters of substance between the Mission and the Centre's Independent Expert in Guatemala, appointed by the Secretary-General in accordance with resolution 1993/88 of the Commission on Human Rights. The Committee was informed that the terms of reference of the Independent Expert are different from those of the Mission. The two initiatives have different mandates and report to different bodies.

III. DEPLOYMENT AND STRUCTURE OF THE VERIFICATION MISSION

7. The Committee notes that, under the Comprehensive Agreement on Human Rights, signed on 29 March 1994 by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG), the parties agreed on a wide range of commitments relating to human rights, including the Verification Mission's deployment throughout the country (A/48/985, para. 28). As indicated in paragraph 7 of document A/C.5/49/29, in order to provide nationwide coverage and in view of the difficult terrain, the Mission will have eight regional offices, including its headquarters in Guatemala City, and five subregional offices. The Committee was informed that, on 23 November 1994, the office in Guatemala City had been opened and that three other regional offices will be opened by the end of the year and the remaining four regional offices during the month of January.

8. As indicated in paragraphs 8 and 9 of the Secretary-General's report, the proposed staffing of the Mission includes 10 military observers, 60 civilian police, 113 international staff (51 Professionals, 35 General Service staff, 27 Field Service category), 72 United Nations Volunteers (UNVs) and 135 local staff. Compared to the estimates submitted to the General Assembly at its forty-eighth session (A/C.5/48/84), the proposal includes a reduction of seven international staff but no changes in the other staffing levels. An organizational chart of the Mission, as provided to the Committee, is attached as annex I to the present report.

9. Upon inquiry, the Committee was informed that the reason for the presence of military observers was for them to serve primarily as liaison officers with the Guatemalan Armed Forces. In addition, it was explained that the military liaison officers will assist in designing and implementing adequate security arrangements; the military observers will be assigned to areas where hostilities have occurred, with a Military Adviser being assigned to the Chief of the Mission.

10. With reference to the question previously raised by the Committee on the use of national Professionals from Guatemala and from other countries in the region and on the expanded utilization of UNVs (A/48/7/Add.17, para. 8), the

Committee was informed that the delicate political nature of the Mission precluded the use of national staff. As regards the expanded use of UNVs, it was explained that, as originally envisaged, all Legal Officers and all Human Rights Observers in all regional and subregional offices will be UNVs. It is expected that they will be working with the civilian police observers, primarily in field verification work. The number of 72 UNVs was considered adequate, as it has been determined that each regional office would be staffed by two international Professional staff, a coordinator as Head of the Office and a political affairs officer as his deputy. It was felt that the ratio of UNVs to Mission appointees was adequate, with the proper balance between international Professionals in charge of supervision and direction and civilian police and UNVs in field assignments. It was indicated that stretching this ratio would hinder the full implementation of MINUGUA's mandate.

11. The Committee notes from paragraph 10 of document A/C.5/49/29 that provisions for internal audit and management review services are estimated at $12,500. During the hearing, the Committee was informed that this amount would cover only the cost of the management review services from United Nations Headquarters. Subsequently, the Committee was informed that an additional amount of $17,200 would be required for the cost relating to internal audit by the Office of Internal Oversight Services in New York. The Committee expects that these additional resources would be obtained from within the requested appropriation.

IV. OPERATIONAL COSTS

12. With regard to accommodation for the Mission, the Committee notes from annex 2, paragraph B.1, of document A/C.5/49/29 that provisions for rental and maintenance of 14 buildings for the Mission headquarters in Guatemala City and the regional and subregional offices are estimated at $250,800, with no significant reductions from the amount previously proposed in document A/C.5/48/84 ($256,300). The Committee recalls that, in its previous report, it had indicated that the possibility of obtaining assistance from the host Government in the form of premises and other services should be fully explored (A/48/7/Add.17, para. 5). The Committee was informed that no suitable premises have been found for the human rights verification assignments of the Mission. It was mentioned that premises for the Mission headquarters have been rented in a hotel in Guatemala City (approximately 1,600 square metres).

13. With reference to land transportation requirements (132 vehicles, comprising 83 four-wheel drive vehicles, 21 light sedans, 13 medium sedans, 1 heavy sedan, 8 mini-buses and 6 light buses, at an estimated cost of $2,003,500), the Committee notes that no adjustments have been made to the Secretary-General's earlier request. The Advisory Committee reiterates its belief that the number of vehicles is excessive and should be reviewed, particularly in the light of the reduction in international posts and the large number of staff at Mission headquarters.

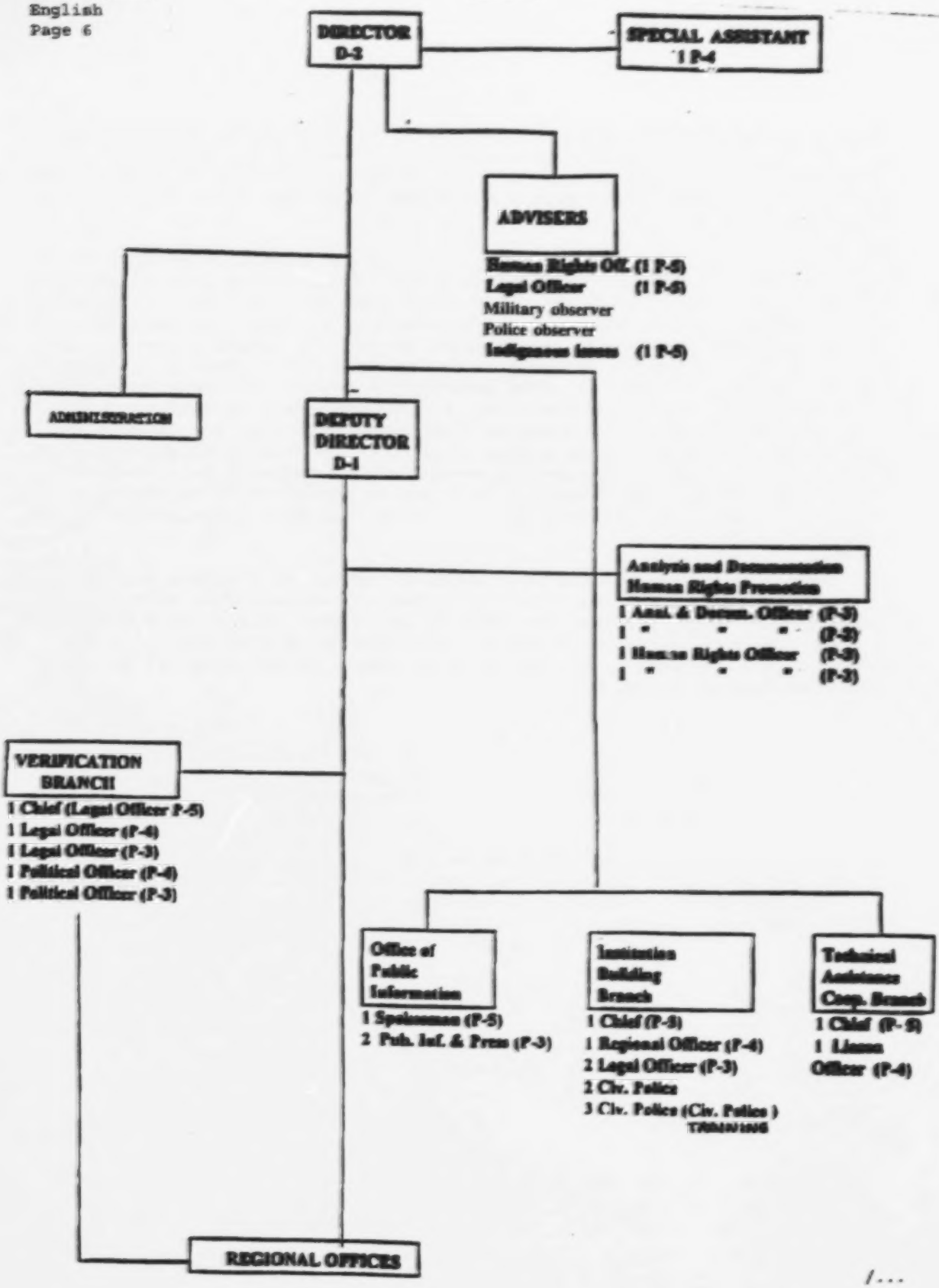
14. The Committee notes from paragraphs 15 and 16 of the Secretary-General's report that provision has been made for $2,655,500 for payment to other missions for the transfer of surplus vehicles and equipment. The Committee did not

receive any satisfactory explanation as to the value of assets to be transferred to MINUGUA. A distribution of personnel and equipment by regional and subregional office and a ratio analysis of categories of staff to equipment were provided to the Committee. These are attached as annexes II and III to the present report.

15. The Advisory Committee notes that provision for payment to other missions was included in the budget, in response to the request by the General Assembly in its decision 48/511 of 19 September 1994. That decision, however, indicated that provision for such payment would be dependent on General Assembly approval of the procedures outlined in its decision 48/496. The Committee recalls that, by its decision 48/496 the Assembly requested the Secretary-General to study the feasibility of a procedure by which assets to be redeployed from a peace-keeping operation during its liquidation phase to other peace-keeping operations or other United Nations bodies should be transferred only after the value of the assets has been determined and provision made, in the budgets of the receiving operations, to reimburse the special account of the operation from which the assets are provided, this liability to be met as expeditiously as possible upon receipt of funds. The Committee will revert to this matter upon receipt of the requested study.

16. Depending on the decision to be taken by the General Assembly further to its decision 48/496, the additional appropriation required under section 4 of the programme budget for 1994-1995 would be either $10,069,600 (if the current procedure or some variation thereof is maintained) or $12,725,100 (if a new procedure to charge the value of transferred assets to the budget of the receiving mission is adopted).

Annex I


DIRECTOR
D-2
SPECIAL ASSISTANT
1 P-4
ADVISERS
Human Rights Off. (1 P-5)
Legal Officer (1 P-5)
Military observer
Police observer
Indigenous issues (1 P-5)
ADMINISTRATION
DEPUTY
DIRECTOR
D-1
Analysis and Documentation
Human Rights Promotion
1 Anal. & Docum. Officer (P-3)
1 " " " (P-3)
1 Human Rights Officer (P-3)
1 " " " (P-3)
VERIFICATION
BRANCH
1 Chief (Legal Officer P-5)
1 Legal Officer (P-4)
1 Legal Officer (P-3)
1 Political Officer (P-4)
1 Political Officer (P-3)
Office of
Public
Information
1 Spokesman (P-5)
2 Pub. Inf. & Press (P-3)
Institution
Building
Branch
1 Chief (P-5)
1 Regional Officer (P-4)
2 Legal Officer (P-3)
2 Civ. Police
3 Civ. Police (Civ. Police)
Technical
Assistance
Coop. Branch
1 Chief (P-5)
1 Liason
Officer (P-4)
REGIONAL OFFICES

/...

Annex II

DISTRIBUTION OF PERSONNEL AND EQUIPMENT BY REGION AND SUBREGION

			Civilian Personnel						Grand total	EQUIPMENT			Equipment total
	Military Liaison	Civilian police	Prof	GS-FS	UNV	Subtotal	Local	Civilian total		Vehicles	Computers	Handie-talkie	
Headquarters													
Guatemala City	5	8	35	51		86	76	162	173	39	75	92	206
Regional offices													
Guatemala City		9	2	2	12	16	10	26	35	16	13	25	54
Quetzaltenago	1	6	2	2	8	12	12	24	31	13	11	19	43
Solola	1	3	2	1	4	7	5	12	16	5	5	11	21
Huehuetenango	1	6	2	2	8	12	8	20	27	13	10	19	42
Sta. Cruz de Quiche	1	3	2	1	4	7	7	14	18	8	6	11	25
Coban	1	6	2	1	8	11	8	19	26	13	10	18	41
Zacapa		3	2	1	4	7	4	11	14	5	5	10	20
Flores/Sta. Elena		3	2	1	4	7	5	12	15	5	5	10	20
Subregional offices													
Jutiapa		3			4	4		4	7	3	2	7	12
San Marcos		3			4	4		4	7	3	2	7	12
Barillas		3			4	4		4	7	3	2	7	12
Nebaj		3			4	4		4	7	3	2	7	12
Cantabla		3			4	4		4	7	3	2	7	12
Total	10	60	51	62	72	185	135	320	390	132	150	250	532

Annex III

EQUIPMENT REQUIREMENT

Ratio analysis

		Computers a/		Vehicles	
	Staffing	Number	Ratio	Number	Ratio
Military observers	10	7	3:2	5	2:1
Civilian police	60	40	3:2	30	2:1
Civilian staff					
Professional	51	51	1:1	20	5:2
General Service	35	26	4:3	6	6:1
Field Service	27	4	7:1	21	6:4
Local Level	135	7	20:1	14	10:1
United Nations Volunteers	72	15	5:1	36	2:1
Total, civilian	320	103		97	
Grand total	390	150	13:5	132	3:1

a/ 70 printers have been allocated on a ratio of 1:2 for the total number of computers.